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EXAMINER

PHAN, TUANKHANH D

ART UNIT

PAPER NUMBER

2163

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |                                    |  |
|------------------------------|--------------------------------------|------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/786,365 | <b>Applicant(s)</b><br>YOON ET AL. |  |
|                              | <b>Examiner</b><br>TUAN-KHANH PHAN   | <b>Art Unit</b><br>2163            |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

The amendment, filed 2/27/2008, has been entered and acknowledged by the Examiner. Claims 1-35 are pending.

### ***Response to Arguments***

Applicant's arguments, filed 2/27/2008, have been fully considered but they are not persuasive.

I. Applicant argues that there is no teaching or suggestion of designating a second data-streaming server depending on extracted information nor is there teaching or suggestion of generating, in the designated second data-streaming server, a module comprising management information on the wireless channels used for the data streams transmitted in a wireless manner among the apparatuses in the network. Fig. 1 of Lundstrom, for example, only shows a mobile terminal communicating with a radio access network and a packet core network. There is no mention, of the above described features of previously pending independent claim 36, which are now incorporated into independent claims 1, 12, 24 and 25.

Response I. Lundstrom provides selecting one or more communication resources that are corresponded with packet type traffic and generating from a given type of communication application a model of the packet flow. Further, a packet flows are transmitted by channels, and one or more associated communication resources are viewed as additional streaming server resources that are being generated accordingly with the different packet type traffics. Additional streaming server resources are different from each other for different data type traffics. Hence, the argument is not persuasive.

II. Applicant argues that Lundstrom only teaches that an activity timer 62 has two states: active and inactive. The activity timer is associated with the user's active flow set 32, as shown in Fig. 3. Further, the cited portion describes that when there is packet data activity matching a defined filter, the corresponding activity timer is active. Thus, the cited portions of Lundstrom are only talking about states of an activity timer. Clearly, Lundstrom does not describe that management information comprises channel state information, as Lundstrom only discusses the state of activity timers.

Response II. The Examiner would like to point out that active and inactive are information for channel states and communication resources. They effectively indicates channel available information as well as helps to manage communication resources. Hence, the argument is not persuasive.

III. Applicant argues that the activity timer for channel Flow1 is initialized. There is no teaching or suggestion of an allocated channel request event operable to request a new allocated channel.

Response III. When channel Flow1 is being initialized, the system is effectively put in a request for that channel to be ready to put in use. Hence, the argument is moot.

IV. Applicant argues that Lundstrom only teaches that each mobile station's application activity profile is updated as the active flows for the mobile station change, thereby allowing the network to dynamically update resource control parameters for that mobile station. However, there is no teaching or suggestion of an event comprising a network participation request event operable to indicate participation in an already established network.

Response IV. Updating of the resource control parameters allows the network to maintain a balance as well as the information of the active (established) and inactive (not established) network resources. Thus, the argument is moot.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3-13 and 15-35 are rejected under 35 U.S.C. 102(e) as being anticipated by Lundstrom et al. (US Pat. 7,289,480), hereinafter Lundstrom.

Regarding claims 1, 12, and 24-25, Lundstrom teaches a network apparatus for wireless transmission/reception of data streams having management information on wireless channels (i.e. **a wireless communication network manages communication resources**, abstract) used for the data streams transmitted in a wireless manner among apparatuses in a network, said network apparatus comprising:

a processor operable to process an event, upon occurrence of the event in the network (i.e. in response to communication from char. 12; Figure 1), by extracting apparatus information for the apparatuses within the network from the management information (col. 1, lines 55-63; **selecting communication resources based on the user and application behavior associated with the data type and packet type traffics**) and specifying a second streaming server different

from a first data streaming server according to the extracted information (col. 1, lines 55-63), and by transmitting an event response signal comprising the management information corresponding to the event (i.e. in response to a mobile station change, a dynamic updating of resource control parameters, network configuration and operations are transmitted to the changed mobile; col. 2, lines 35-50) or by updating the management information corresponding to the event (col. 2, lines 35-50), thereby generating in the second data-streaming server, a module that manages the wireless channels for the data streams transmitted in the wireless manner among the apparatuses in the network (col. 2, lines 35-50; col. 4, lines 12-25).

Regarding claims 3, 15 and 27, Lundstrom teaches the apparatus as claimed in claims 1 and 25, wherein the management information comprises information on allocated wireless channels (col. 4, lines 20-25).

Regarding claims 4, 16 and 28, Lundstrom teaches the apparatus as claimed in claims 1 and 25, wherein the management information comprises information on connection states of the apparatuses in the network according to an allocated wireless channel (col. 13, lines 18-22).

Regarding claims 5, 17 and 29, Lundstrom teaches the apparatus as claimed in claims 1 and 25, wherein the management information comprises apparatus information on the apparatuses in the network (mobile profile, col. 2, lines 34-42).

Regarding claims 6, 18 and 30, Lundstrom teaches the apparatus as claimed in claims 1 and 25, wherein the management information comprises channel state information (col. 13, lines 18-22).

Regarding claims 7, 19 and 31, Lundstrom teaches the apparatus as claimed in claims 1 and 25, wherein the event comprises an allocated channel request event operable to request a new allocated channel (col. 5, lines 34-37).

Regarding claims 8, 20 and 32, the apparatus as claimed in claims 1 and 25, wherein the event comprises an allocated channel sharing request event operable to request sharing of a currently allocated channel. It is inherent that an allocated channel is shared in a communication network by a population of clients as a many-to-one channel.

Regarding claims 9, 21 and 33, Lundstrom teaches the apparatus as claimed in claims 1 and 25, wherein the event comprises a network participation request event operable to indicate participation in an already established network (col. 2, lines 35-45 updating all network activities and resource would include indication of already established channels).

Regarding claims 10, 22 and 34, Lundstrom teaches the apparatus as claimed in claims 1 and 25, wherein the event comprises an allocated channel releasing request event operable to indicate releasing of an already established, allocated channel (col. 2, lines 60-67).

Regarding claims 11, 23 and 35, Lundstrom teaches the apparatus as claimed in claims 1 and 25, wherein the event comprises a network disconnection request event operable to indicate disconnection from an already established network (col. 12, lines 16-20).

Regarding claims 13, see the discussion of claim 1 and 12.

Regarding claims 15-23, see the discussion of claim 1, 12, 3-11 accordingly.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lundstrom and further in view of Wright et al. (US Pat. 6,078,568).

Regarding claims 2 and 14, Lundstrom teaches the apparatus as claimed in claims 1 and 12 above, wherein the management information comprises information on available channels, but lacks for empty channels that are not used. However, in the same field of endeavor, Wright et al. discloses the empty and idle channels for network resource management (col. 3, lines 30-35; col. 30, lines 51-67). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporate the empty channels taught by Wright et al. into the available channels allocations of Lundstrom to indicate there are empty channels waiting to be in service so that reservation of a channel if available for a certain time period as a dedicated channel.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period



will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TUAN-KHANH PHAN whose telephone number is (571)270-3047. The examiner can normally be reached on 4/5/9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on 571-272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TKP  
/don wong/

Supervisory Patent Examiner, Art Unit 2163